



1635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application for Domelas
Serial No.: 09/578,194
Filed: 05/24/00
For: Modulation of Storage Organs

Date: November 13, 2001
Art Unit: 1635
Examiner: Schmidt, M
Action: Election, Traversal and amendment

37 CFR §1.136 (a)

RECEIVED

FEB 15 2002

To: The Commissioner of Patents and Trademarks, Washington, DC 20231

TECH CENTER 1600/29.

Election with Traverse and amendment to claim 1

Sir:

This is a request for removal of the restriction requirement in light of the amended claim 1. An amendment that forms claim one into a further unified concept and an election of Invention. The election is for Invention II and the ASK-gene of Group II.

Traversal

The claims are related as they are all involved in using ASK-gene species of Group II. Additionally that the sense and antisense use of the ASK-gene species of Group II is related in that as amended in claim 1 the inventions modify organs. Therefore, the Examiner is asked to please reconsider the restriction requirement and remove this restriction.

The Examiner states that there are species of plants and genes. The Applicant does not understand this species restriction. There are not different species of genes. There is only the ASK-gene of Group II. If the Examiner is suggesting that somehow the group II genes are each species then the applicant believes the Examiner is misconstruing what a group II gene actually is. There are no species of genes in this applications. No selection from this can be made. If the Examiner is saying that the claims are directed to plant species. The Examiner seems to be requiring that the Applicant amend the claims to claim a species. If the claims are generic as the Examiner admits then why are they being restricted. All plants that have storage organs can be modified. To the extent that an election on this is appropriate the election would be to dicots. This would include claims 1-12 and 15-24. The amendment to the claim should eliminate the Examiner's restriction. Thus there is no need for further restrictions.



CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that attached is a postcard and election and Traverse and amendment which being deposited on November 13th, 2001 and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

Dana Rewoldt
09/578,194 DANA REWOLDT